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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-597**

11 **TIMOTHY JAMES WYATT**
12 **11521 Sassari Lane**
Porter Ranch, CA 91326
13 **Registered Nurse License No. 598795**

A C C U S A T I O N

14 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about April 30, 2002, the Board of Registered Nursing issued Registered Nurse
24 License Number 598795 to Timothy James Wyatt (Respondent). The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 March 31, 2012, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
6 any licensee, including a licensee holding a temporary or an inactive license, for any reason
7 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
9 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
10 licensee or to render a decision imposing discipline on the license.

11 **STATUTORY PROVISIONS**

12 6. Section 2761 of the Code states in pertinent part:

13 "The board may take disciplinary action against a certified or licensed nurse or deny an
14 application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct."

16 **COST RECOVERY**

17 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 8. Respondent is subject to disciplinary action pursuant to Code section 2761
24 subdivision (a) in that Respondent engaged in unprofessional conduct. The circumstances are as
25 follows:

26 9. On or about March 2006, Respondent was the subject of multiple sexual harassment
27 complaints, while employed as a staff nurse at Olive View UCLA Hospital in Sylmar, California.
28 The Department of Human Services for the County of Los Angeles investigated the complaints.

1 On or about December 4, 2006, the investigation found that Respondent sexually harassed a
2 female co-worker, Nurse Y.C.¹ Specifically, Respondent exposed his genitals; brushed his
3 genitalia against Nurse Y.C.'s backside and would make sexually inappropriate remarks in the
4 workplace.

5 a. In regards to the complaint filed by Nurse Y.C., on or about December 4, 2006,
6 Respondent was ordered to cease such behavior and advised that a formal letter concerning
7 corrective measures would be sent to him. However, before the corrective measures could be
8 instituted, Respondent went out on extended sick leave. Respondent was considered absent
9 without authorization beginning in March 2007, and subsequently resigned from his employment
10 at Olive View UCLA Hospital on or about April 23, 2007.

11 b. The internal investigation further revealed that Respondent exposed his genitals to
12 Nurse L.I. while at work in the emergency department.

13 c. Four different nurses, who work in the emergency department with Respondent,
14 stated they have heard Respondent make sexually inappropriate remarks in the workplace.

15 **DISCIPLINARY CONSIDERATION**

16 10. On December 1, 1993, in a proceeding entitled *State of California v. Timothy James*
17 *Wyatt*, (Municipal Court Van Nuys Judicial District, 1993, Case No. LA015486), Respondent was
18 convicted of violating Penal Code 487.2 [Grand Theft from a Person], a felony. Respondent
19 served 90 days in jail and was placed on 36 months of probation.

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28 ¹ Names are withheld for privacy reasons.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

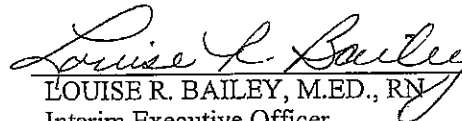
1. Revoking or suspending Registered Nurse License Number 598795, issued to Timothy James Wyatt;

2. Ordering Timothy James Wyatt to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: _____

5/17/10



LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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